

REMARKS/ARGUMENTS

Claims 1 and 12 are amended by this preliminary amendment. Claims 1-20 remain pending.

The instant preliminary amendment is made to distinguish the pending claims from references submitted in the supplemental information disclosure statement mailed November 9, 2004. In particular, these references disclose the "ballistic tracking" function offered by the PROCAB controller available from NCE Corporation.

As described in the Declaration Under 37 C.F.R. 1.132 of co-inventor Louis G. Kovach accompanying this preliminary amendment, examination of the operation of the PROCAB controller reveals it to be unable to produce output reflecting changes in speed of knob rotation over a period of about 50 milliseconds or less. Accordingly, the pending claims have now been amended to describe sending of speed over a period of about 50 milliseconds or less, as discussed in the application as originally filed at least at ¶[0045].

Applicants acknowledge the existence of encoders designed to operate at 50 milliseconds or less. For example, submitted herewith is a supplemental information disclosure statement listing the specification of an encoder available from CUI Inc. of Beaverton, Oregon, having a Max. Freq. Response of 500 Hz. Such an operating characteristic would allow this device to detect changes in knob rotation speed at a time of 20 milliseconds or less.

However, Applicants maintain that it would not have been obvious to utilize an encoder capable of detecting inputs over a period of 50 milliseconds or less, to control velocity of a model train. Specifically, one of ordinary skill would not have recognized the fidelity to actual train command, and the corresponding enhancement in user experience, conferred by sensing inputs over such brief time periods. This is evidenced at least by the failure of the PROCAB controller to operate in the claimed range. There would thus have been no motivation for a designer create a device capable of detecting changes over the 50 millisecond or less time range now recited.

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an

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PATENT

Preliminary Amendment dated April 11, 2005
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early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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